

DOCKET NO: M0656.70071US00


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Vernon M. Ingram et al.
Serial No: 10/051,663
Confirmation No: 3098
Filed: January 18, 2002
For: TREATMENT FOR NEUROTOXICITY IN ALZHEIMER'S DISEASE

Examiner: Celsa, Bennett M.
Art Unit: 1639

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 28th day of October, 2003.


June Watson

RECEIVED

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOV 06 2003

TECH CENTER 1600/2900

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Communication mailed on April 28, 2003 requiring election of claims for prosecution, Applicant elects Group V, claim 29 drawn to a composition comprising a compound that decreases neuronal membrane depolarization and a compound that decreases neuronal calcium influx. The election is made with traverse.

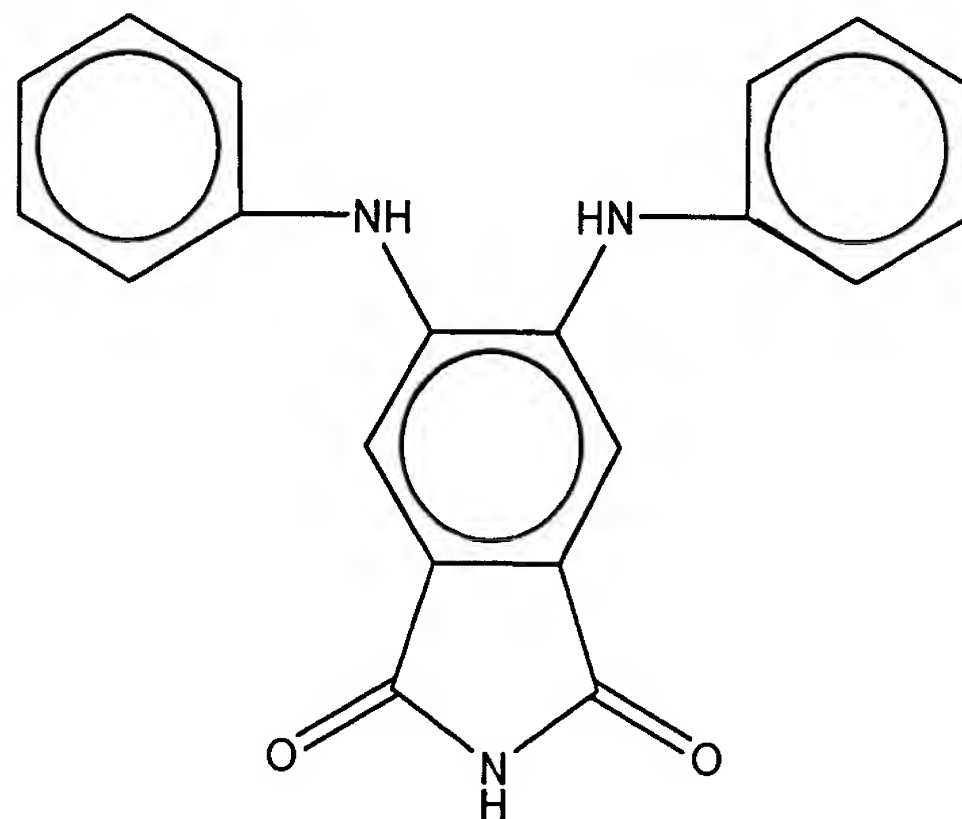
Remarks

Applicant traverses the restriction with respect to claim 38. Applicant has elected claim 29, which recites a particular composition. Claim 38 recites the use of that composition. Applicant believes that in searching the elected composition, the Examiner also would find any art related to the use of the composition. As a result, no additional searching would be required, and therefore, an undue burden is not presented for the examination of claims 29 and 38

simultaneously. Accordingly, Applicant respectfully requests that the Examiner reconsider the restriction requirement as applied to claim 38, in view of the election of claim 29.

Species election

Pursuant to the Examiner's requirement for the election of a single disclosed species (i.e., single compound), Applicant elects the tyrosine kinase inhibitor DAPH1 (4,5-dianilinophthalimide). The chemical structure of the compound is shown below:




Elected claim 29 and claim 38, for which reconsideration is requested, both read on the species.

Conclusion

If, for any reason, the Examiner is of the opinion that a telephone conversation with the Applicants' representative would expedite prosecution, the Examiner is kindly invited to contact the undersigned at 617-720-3500.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
Vernon M. Ingram et al., Applicant


John R. Van Amsterdam, Reg. No. 40,212
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone: (617) 720-3500

Docket No. M0656.70071US00
Date: October 28, 2003
x10/28/03